

Minutes of the
VIRGINIA SOIL AND WATER CONSERVATION BOARD

Thursday, January 18, 2001, 9:00 a.m.
Natural Resources Conservation Service
Richmond, VA

Soil and Water Conservation Board Members Present

Charles E. Horn, Chairman	David G. Brickley
A. Dewey Bond	Herbert L. Dunford
Denise M. Doetzer, NRCS	James Gardner (for David Barrett)
Robert M. Hall	W.P. Johnson
David L. Moyer	

Soil and Water Conservation Board Members Not Present

J. Carlton Courter, III	Robert Q. Cannell
Dr. Conrad Gilliam	

Staff

Leon E. App	William G. Browning
Michael R. Fletcher	Jack E. Frye
Lawrence J. Gavan	Jonathan T. Phillippe
Stuart D. Wilson	

Other

Craig Carinci, Fairfax County DPWES
Chad Crawford, Fairfax County DPWES
J. Michael Foreman, Department of Forestry
Walter Hamilton, III, Fairfax County DPWES
Daphne W. Jamison, VASWCD
Chris Koerner, Fox Heritage Home Owner's Association

Call to Order

Chairman Horn called the meeting to order at 9:05 a.m., and declared a quorum present.

Minutes of the December 6, 2000 Meeting

Chairman Horn noted that the minutes of the December 6, 2000 meeting needed to be corrected to include Dr. Gilliam's name on the attendance list.

Mr. Moyer moved that the minutes of the December 6, 2000 meeting be approved as amended. Mr. Hall seconded. Motion carried unanimously.

Lake Martin Update

Chairman Horn asked Mr. Wilson to provide an update regarding the Lake Martin situation.

Mr. Wilson noted that representatives from Fairfax County and from the Fox Heritage Homeowner's Association were present to provide an update on the Lake Martin erosion and sediment issue. Mr. Wilson noted that the Board has been reviewing this item for over a year.

Mr. Wilson said that in the five weeks since the last meeting, the county was still proceeding with the preliminary design as well as starting discussions on stream restoration. The county has met at least twice with the homeowners.

Mr. Wilson referenced a letter received from Fairfax County (Copy Attached as Attachment #1).

The county is preparing final designs. The dredging of the lake will be a separate piece of the design.

The county has met with the Corps of Engineers regarding permitting issues. A number of permits will need to be obtained before work proceeds.

A lawsuit against the original developers is still pending.

Mr. Hamilton noted that since the last meeting the county has met with homeowner's representatives along with WSSI, the consulting group retained by the county, to look at conceptual lake dredging plans. He said that the group came to a consensus on two points.

The desire to lower the lake to get to the zone where most of the discharge took place. By lowering the lake, discharged sediment will be more accessible for removal. The county has agreed that the lake should first be dredged. Previously the county believed that it may have been prudent to first address stream restoration. It appears at this point that the streams have stabilized. Available funds will be spent first on dredging the lake.

Mr. Hamilton noted that the county is continuing to pursue legal action against the developers.

Mr. Crawford noted that the conceptual work on stream channel improvement is ongoing. He expected a draft to be provided later in the week.

Mr. Bond asked how far the county would be able to proceed if they began dredging by using available funds.

Mr. Hamilton stated that at the time, he could not provide an estimate.

Mr. Bond asked what the county would do if the bid for dredging exceeds available funding.

Mr. Hamilton said that the county must pursue the legal route. He noted that the Board of Supervisors has not authorized the use of alternative funding at this time.

Mr. Wilson suggested it would be helpful if the county could provide a better idea of the timing of the design and when the project will go out for bid.

Mr. Crawford said that he had developed a time line with all three aspects: 1) pond fixes, 2)-stream restoration and 3) dredging. He noted that the schedule is dependent upon getting citizen permission to do the dredging. There is still one citizen who is not interested in the work.

Mr. Crawford said that the county was looking at a minimum of five months if funding was available.

Mr. Frye asked Mr. Crawford to elaborate on the five months.

Mr. Crawford said that the procurement process would take three months and that the Corps of Engineers permit would take an additional 60 days. In addition time must be allocated for citizen comment.

Mr. Brickley asked when the county expected to go out for bid.

Mr. Crawford said that he was not comfortable giving a date. He expected another 30-40 days.

Mr. Moyer asked if the Board of Supervisors was aware of the funding problem and whether they were committed to resolving the issue.

Mr. Hamilton said that the Board of Supervisors is aware of the possible shortfall. He said that the county is actively pursuing funding through the courts. The question remains on what happens if there is a shortfall and the court situation is not resolved. Mr. Hamilton said he was not at liberty to speak on behalf of the Board of Supervisors.

Mr. Horn noted that the quest for permission from the landowner had been ongoing over six to eight months. He asked why the county was unable to get permission.

Mr. Crawford said the county had to go to a process server. The letter was delivered, but the owner did not respond.

Ms. Doetzer asked if there was an alternative route in the event that the county does not obtain permission from the landowner.

Mr. Crawford said that, at the time, there was no formal alternative.

Mr. Hamilton said that the county has looked at alternative ingress and egress points, but that they were not popular with the community adjacent to Lake Martin. He stated that the county believed the problem could be worked out and that it was a matter of getting the landowner to cooperate.

Chairman Horn called on Mr. Koerner for comments.

Mr. Koerner said that he would like to express appreciation for Mr. Crawford. He said that the owners were happy to see a preliminary dredging plan.

Mr. Koerner said that part of the problem that the homeowner's still have is that the project is divided into three parts. Each part is looked at as a separate part of design.

Mr. Koerner said the proposed plan incorporated none of the homeowner's comments. He said the plan leaves 10,000 cubic yards of heavy nutrient sediment in the middle of the lake. He said the major difference was the million dollar homes with lawn service and fertilizer coming directly into the creek.

He noted that the plan would cut down an acre and a half of forest on community property to use as stockpile.

Mr. Koerner said that the homeowners want the plan done correctly and want dredging done first.

He noted that the plan called for the project to take five to six months. The homeowners would like to see an accelerated schedule.

Mr. Koerner said that the most frustrating part for the homeowner's was that this was an incredibly slow process. He noted that the EPA has indicated that they will support an accelerated review.

Mr. Johnson asked what the county will do with removed sediment.

Mr. Crawford said that sediment will be disposed of at appropriate landfills.

Mr. Johnson asked why the county was planning to clear an acre and a half of land if the sediment would be hauled away.

Mr. Crawford said that generally it was better to allow the sediment to dry before transporting it.

Mr. Bond asked what about the enforcement powers to get the situation corrected.

Mr. Brickley said that DCR has the ability to come in and take over the program. But he noted that DCR does not have the staff to oversee the project.

Mr. Bond asked if there was some way to resolve this problem that would not take years.

Mr. Brickley said that he personally visited the location about a year ago. He noted that the Virginia Soil and Water Conservation Board has taken the responsibility very seriously, but that little progress had been made.

Mr. Horn asked Mr. Wilson for additional comments.

Mr. Wilson presented the following motion for the Board's consideration:

The VSWCB receives the progress report of Fairfax County outlining existing and proposed actions to bring resolution to the Lake Martin watershed erosion and sediment control problems under the enforcement authority of the Fairfax County Erosion and Sediment Control Program. Fairfax County is requested to continue to provide updates for the Board at its next meeting on March 15, 2001, and all subsequent Board meetings, relative to the progress in completing the final design and construction specification documents, the proposed plans and schedule for commencement of the restoration activities, and the actual progress in restoration. Such updates shall continue until restoration activities have been completed. The Board again requests the County's commitment to the resolution of this matter in an expeditious manner and requests the Department Director to forward a letter to the County requesting expeditious action on the design, land acquisition and permitting aspects of the project. The Board also requests the Department Director to forward a letter to the Corps of Engineers requesting their expeditious assistance in processing of permit actions needed for the project.

Mr. Bond moved for the approval of the suggestion motion. Mr. Dunford seconded. Motion carried unanimously.

Chairman Horn thanked the county and homeowner representatives for their input.

Fairfax County Alternative Inspection Schedule for Erosion and Sediment Control Program

Mr. Gavan presented a proposal from Fairfax County regarding an alternative inspection schedule for the Erosion and Sediment Control Program. (Copy attached as Attachment #2.)

Mr. Gavan said that the proposal covers a lot of ground, but that staff believes the proposal meets the guidelines.

Mr. Gavan noted that he was asking the Board to receive the plan for consideration of approval at a later date as per the Board's guidelines for approval of alternative inspection programs.

Mr. Hamilton noted that this plan allows the county to focus on sites that need attention.

Mr. Hamilton said that the DCR staff has been most helpful in the development of this plan.

Mr. Bond moved that the Virginia Soil and Water Conservation Board receive for consideration at the next board meeting Fairfax County's adoption of an Erosion and Sediment Control Alternative Inspection Program.

Mr. Dunford seconded. Motion carried unanimously.

Dam Safety Certificates and Permits

Mr. Phillippe presented the following lists of Dam Safety Certificates and Permits.

INV. NO.	NAME	CITY/COUNTY
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Dam Safety Alteration Permit

None

Dam Safety Construction Permit

08545	Mountain Run Golf Community - Lower Pond	HANOVER
14118	Ararat River Dam #64	PATRICK
14119	Ararat River Dam #69	PATRICK

Dam Safety Operation & Maintenance Certificates

Class I Regular

None

Class I Conditional

None

Class II Regular

None

Class II Conditional

None

Class III Regular

None

Class III Conditional

None

Extension to March 2001 Board Meeting

04112	Swift Creek Reservoir	CHESTERFIELD
14531	Carneal Pond	POWHATAN

Out of Compliance

07915	Green Mountain Lake Dam	GREENE
01931	Simpkins Dam	BEDFORD
08915	Robertson Dam	HENRY

Mr. Dunford moved that the list of Dam Safety Certificates and Permits be approved as submitted. Mr. Moyer seconded. Motion carried unanimously.

Mr. Horn thanked Mr. Phillippe for doing an excellent job. He asked if the position of Division Director has been filled.

Mr. Brickley noted that interviews will be conducted and the position should be filled in the near future.

Dam Safety Technical Advisory Committee Update

Dr. Gilliam noted that since the Dam Safety Technical Advisory Committee was formed the composition of the committee has changed due to retirement and resignations. The committee would like to make the following recommendations to the Board.

Private Owner – Jim Cima, with Virginia Power, has assumed another position with the company and is no longer able to serve on the Committee.

Recommendation – Lynn Clements, Rapidan Service Authority. Recommended for a four-year term.

Dr. Gilliam said the committee would like to expand the public owner category. He asked for Board approval to add the positions. The following individuals are recommended as candidates for approval at the next meeting.

Jeff Booth, Water Production Supervisor, County of Roanoke
John H. Dyches, Water Resources Department, City of Martinsville

The Committee will also recommend the appointment of Dennis Wanless of the Virginia Rural Water Association to represent a “quasi-public organization.”

Dr. Gilliam said that the committee was asking approval of the Board to add the position of “Dam Safety Emeritus” so that the expertise of retirees like Joe Haugh, Jerry Jones and “Curly” Button can be made available to the committee.

Dr. Gilliam moved that the Virginia Soil and Water take the following actions with regard to the Dam Safety Technical Advisory Committee.

Appointment of Lynn Clements to a four-year term to fill the seat vacated by John Cima.

Expansion of the public owner category.

Inclusion of a “quasi-public owner” category.

Establishment of the “Dam Safety Emeritus” position.

Mr. Dunford seconded. Motion carried unanimously.

District Director Resignations and Appointments

Mr. Browning presented the following list of District Director Resignations and Appointments:

Appomattox River

Recommendation of Evelyn M. Hawkins, Dinwiddie County, to fill vacant three-year appointed position (term of office to begin on or before 2/17/01 – 1/1/04).

James River

Resignation of George W. Board, Jr., Prince George County, effective 12/31/00, three-year appointed position (term of office expires 1/1/03).

John Marshall

Resignation of L. Thomas Greene, Fauquier County, effective 1/1/01, elected director position (term of office expires 1/1/03).

Recommendation of R. Robert Tudor, Fauquier County, to fill unexpired elected term of L. Thomas Greene (term of office to begin on or before 2/17/01 – 1/1/03).

Monacan

Resignation of A. Murray Fisher, Jr., Goochland County, effective 12/20/00, three-year appointed position (term of office expires 1/1/03).

Mountain Castles

Resignation of Lyndell M. Keffer, Craig County, effective 1/1/01, elected director position (term of office expires 1/1/04).

Recommendation of Carla H. Williams, Craig County, to fill vacant elected position (term of office expires 1/1/04).

New River

Resignation of C. Wayne Kenny, Carroll County, effective 12/11/00, elected director position (term of office expires 1/1/04).

Recommendation of Cynthia V. Williams, Carroll County, to fill vacant position (term of office to begin on or before 2/17/01 – 1/1/04).

Patrick

Resignation of Jared P. Green, Patrick County, effective 8/21/00, elected director position (term of office expires 1/1/03).

Recommendation of Kenneth Michael Jessup, Patrick County, to fill unexpired elected term of Jared P. Green (term of office to begin on or before 2/17/01 – 1/1/03).

Resignation of Charles W. Conner, Patrick County, effective 1/4/01, appointed Extension Agent position (term of office expires 1/1/02).

Recommendation of Gene Amos, Patrick County, to fill unexpired Extension Agent term of Charles W. Conner (term of office to begin on or before 2/17/01 – 1/1/02).

Southside

Recommendation of Bruce Thompson, Lunenburg County, to fill unexpired appointed term of Richard Lacks (term of office to begin on or before 2/17/01 – 1/1/02).

Mr. Moyer moved that the list of Soil and Water Conservation District Director resignations and appointments be approved as submitted. Mr. Johnson seconded. Motion carried unanimously.

Appointment of Secretary-Treasurer of Northern Neck SWCD

Mr. Browning said that the Northern Neck Soil and Water Conservation District has sent a letter to Chairman Horn asking that the Board approve the appointment of a Secretary-Treasurer for the District. Mr. Browning noted that Board action was required to establish this position.

Mr. Browning said that the recommended individual Judy Delong has worked part time for the District since April of 2000. Previously she was with the Tidewater RC&D.

Dr. Gilliam moved that the Virginia Soil and Water Conservation Board approve the appointment of Judy Delong as Secretary-Treasurer of the Northern Neck Soil and Water Conservation District. Mr. Dunford seconded. Motion carried unanimously.

Local Erosion and Sediment Control Program Review Schedule

Mr. Wilson provided a handout addressing the proposed schedule for review of local urban programs. (Copy attached as Attachment #3.)

In the last year DCR staff has undertaken improvements to the review process used to conduct local reviews.

Mr. Wilson distributed a proposed schedule for reviews. Staff is proposing to initiate reviews in twenty localities in the next year.

Mr. Dunford moved that the Virginia Soil and Water Conservation Board accept the staff recommendation for prioritization of local program reviews and the initiation of program reviews in 2001 in the following localities:

New Kent County
Louisa County

Loudoun County
City of Chesapeake

Chesterfield County
Goochland County
Hanover County
Botetourt County
City of Suffolk
Bedford County
Caroline County
Culpeper County

Fairfax County
Gloucester County
Greensville County
Patrick County
Spotsylvania County
Frederick County
Buchanan County
Dickenson County

Dr. Gilliam seconded the motion. Motion carried unanimously.

Reduction of FY 00-01 Operating Funding for Soil and Water Conservation Districts

Mr. Brickley commended the Board and Association for their active interest in the funding issue. DCR staff have appeared before the money committees in the General Assembly.

The Governor's revised budget will affect a number of state agencies through the current and the 2002 budget. Reductions at the Department of Conservation and Recreation are 4.8% for the current year and could be as high as 24% of the total budget in the next year. The reductions affect the \$875,000 support to Soil and Water Conservation Districts.

Mr. Brickley noted that the dilemma for DCR was that two of four quarterly payments have been made to the districts. He asked the Board for a recommended course of action with the knowledge that things could change based on General Assembly action.

Mr. Frye noted that he had addressed this matter in a letter to Board members. There are several options to consider.

Dr. Gardner noted that whatever action the Board takes the Chairman should have the latitude to adjust accordingly.

Mr. Frye proposed two scenarios for dealing with the reduction in funding.

1. Based upon reductions contained in the Governor's December 20, 2000 Budget, make a 20% reduction in approved funding to be implemented in the 4th quarter of FY 2000 – 01 to achieve the statewide \$875,000 budget reduction. This is contingent upon actions by the 2001 General Assembly, the Governor and the April 4th Veto Session.
2. Based upon reductions contained in the Governor's December 20, 2000 Budget, the Board directs DCR staff to make reductions in reverse order ("backing down") as prescribed by the Board's Policy on Financial Assistance for SWCDs which impacts both the 3rd and 4th quarter allocations of Fiscal Year 2000-01, thus achieving the statewide \$875,000 budget reduction. This is contingent upon

reactions by the 2001 General Assembly, the Governor and the April 4th Veto Session.

Dr. Gilliam said that he thought the second scenario was the most equitable.

Dr. Gardner ask for staff recommendations.

Mr. Brickley said that this was a district decision and that he would abstain from the voting.

Ms. Jamison noted that there is disagreement among the districts as to the best policy for dealing with funding cuts.

Mr. Dunford moved that the Virginia Soil and Water Conservation Board, based upon reductions contained in the Governor's December 20, 2000 Budget, direct DCR staff to make reductions in reverse order ("backing down") as prescribed by the Board's Policy on Financial Assistance for Soil and Water Conservation Districts which impacts both the third and fourth quarter allocations of FY 2000 – 01, thus achieving the statewide \$875,000 budget reduction. This is contingent upon actions by the 2001 General Assembly, the Governor and the April Veto session with any restored funding being appropriated accordingly.

Chairman Horn called for a roll call vote:

Ayes: Bond, Dunford, Gilliam, Hall
Nays: Gardner, Johnson, Moyer, Horn
Abstain: Brickley

Motion failed.

Mr. Moyer moved that the Virginia Soil and Water Conservation Board, based upon reductions contained in the Governor's December 20, 2000 Budget, direct DCR staff to make a 20% reduction in approved funding to be implemented in the fourth quarter of FY 2000-01 to achieve the statewide \$875,000 budget reduction. This is contingent upon actions by the 2001 General Assembly, the Governor and the April Veto Session, with any restored funding being appropriated accordingly.

Chairman Horn called for a roll call vote:

Ayes: Gardner, Johnson, Moyer, Horn, Brickley
Nays: Bond, Dunford, Gilliam, Hall

Motion carried.

AGENCY REPORTS

Natural Resources Conservation Service

Ms. Doetzer presented Natural Resources Conservation Service report. (Copy attached as Attachment #4.)

Virginia Department of Forestry

Mr. Foreman distributed the Riparian Buffer Initiative Second Annual Progress Report (Copy attached as Attachment #5). He also distributed information regarding the Potomac Watershed Partnership (Copy attached as Attachment #6).

Mr. Foreman then gave the following report.

- The Department of Forestry recently completed the second annual report to the Governor on the progress of the Riparian Buffer Effort. A total of 315.3 miles of forest buffer have been restored with 231.7 miles in the Chesapeake Bay watershed. The Commonwealth is slightly more than 1/3 of the way toward its 610-mile goal by the Year 2010. Other accomplishments include participation in the WJLA-TV Channel 7 "Save the Bay" Campaign, implementation of the Conservation Reserve Enhancement Program and engaging state agencies to identify riparian restoration opportunities.
- The Department of Forestry was awarded a 5 year 1.3 million dollar grant in July 2000 to conduct watershed restoration activities in the Shenandoah-Potomac watershed. Over 60 miles of CREP-related restoration alone has been driven by grant resources. Also, a rain garden has been installed at Blue Ridge Community College and a riparian demonstration project conducted in Frederick County. Other activities involving fire education, greenways and blueways, and alternative logging systems will be conducted this spring and summer.
- The Department of Forestry and the Chesapeake Bay Local Assistance Department will sign a Memorandum of Understanding regarding silvicultural activities in the Resource Protection Area. The Department will report water quality problems in the Resource Protection Area. The Department will report water quality problems to localities more routinely and consistently while CBLAD will follow through with staffing resources and legal assistance.
- The Department of Forestry will fill eleven field forester positions within the next month. Key county slots are Augusta and Rockingham. Also, a Superintendent of the State Forest will be hired to oversee the 50,000 acres of state forestland and to bring these lands under more up-to-date management including increasing public access.

Virginia Cooperative Extension Service

Dr. Gardner said that the Cooperative Extension had no major initiatives before the General Assembly this session. However, the 4-H Educational Centers, which are owned by their respective Boards do have funding concerns filed with their legislators.

Delegate Grayson has sponsored a bill for 4-H Centers to be eligible for tax check off funds beginning in 2002.

Extension is working with the Migrant and Seasonal Farm Workers Interagency Policy Committee to distribute packets of information to employers of migrant workers. These packets contain information regarding laws and federal programs.

Virginia Department of Agriculture and Consumer Services

Not represented.

Virginia Department of Conservation and Recreation

Mr. Brickley said a major concern of the Department at this time is funding. Not only for the Department and Soil and Water Conservation Districts, but other programs as well. For example, the Virginia Land Conservation Foundation had lost its funding for the second year of the biennium delayed.

The Governor's revised budget will affect a number of state agencies through the current and the 2002 budget. Reductions at the Department of Conservation and Recreation are \$2.0 for the current year and could be as high as 24% of the total general fund budget in the next year. The reductions affect the \$875,000 per year support to Soil and Water Conservation Districts.

On the positive side, Virginia's goal has been reached on the 40% reduction in non point source pollution in the Potomac and Shenandoah River Watershed.

DCR is working with VDOT to see if there can be better signage of Virginia's watersheds on the highways.

Mr. Frye reported that there is a high level of activity on the Conservation Reserve Enhancement Program.

Ms. Jamison noted that some districts have complained that there are no administrative funds in CREP. She asked if this could be addressed.

Mr. Frye noted that the basic concept was for districts to cover their own administrative costs. No direct administrative funds are available.

There are three sessions of District Director training on the calendar scheduled for late February.

Other Business

Ms. Jamison said that the Virginia Association of Soil and Water Conservation Districts has contacted all 140 members of the General Assembly to encourage them to put in budget amendments to restore funding to districts and to restore funding to the dam rehabilitation fund for watershed dams owned by districts.

May Meeting Location

Mr. Hall has made preliminary arrangements with Breaks Interstate Park for the May Board meeting.

Mr. Hall and Mr. Fletcher will coordinate arrangements and report back to the Board with details at the March meeting.

Next Meeting – Thursday, March 15, 2001

The next meeting of the Virginia Soil and Water Conservation Board will be at the Department of Forestry in Charlottesville on Thursday, March 15, 2001.

Adjourn

There being no further business, the meeting was adjourned.

Respectfully submitted,

Charles E. Horn
Chairman

David G. Brickley
Recording Secretary